



HON. SYLVIA O. HINDS-RADIX
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THE CITY OF NEW YORK
LAW DEPARTMENT
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October 10, 2023

VIA ECF

Hon. Paul G. Gardephe
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED: The initial pretrial conference scheduled for October 19, 2023 is adjourned to November 30, 2023 at 10:30 a.m. Defendant's response to the Complaint is due on November 22, 2023. The parties will also submit a joint letter and proposed Case Management Plan on November 22, 2023 consistent with the Court's Individual Practices.

SO ORDERED.

A handwritten signature of Paul G. Gardephe in black ink.

Paul G. Gardephe
United States District Judge
Date: October 11, 2023

Re: *K.R. et al., v. N.Y.C. Dep't of Educ.*, 23-cv-5701 (PGG)(GWG)

Dear Judge Gardephe:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

Defendant respectfully requests an adjournment, *sine die* of the Initial Pretrial Conference (IPTC) currently scheduled for October 19, 2023, and accordingly, the attendant submission of a joint letter and proposed Case Management Plan (CMP). This is a fees only matter. Liability is not at issue and the parties do not intend to engage in discovery. Thus a conference is not necessary. Defendant also respectfully requests a 30-day extension of the time to respond to the Complaint from October 26 to November 24, 2023. This is the second request for an extension, the first extension having been granted on July 25, 2023 (ECF 11). The parties have exchanged offers and continue to engage in good-faith settlement negotiations, but have not yet achieved resolution and wish to continue those efforts. Plaintiffs consent to these requests.

Accordingly, Defendant respectfully requests that the Court adjourn the IPTC and attendant joint letter and CMP submission, *sine die*, and that Defendant's time to respond to the complaint be extended to November 24, 2023, with a status letter due by that same date either informing the Court that case has fully resolved, or proposing a briefing schedule.

Thank you for considering these requests.

Respectfully submitted,

/s/ Marina Moraru

Marina Moraru, Esq.
Special Assistant Corporation Counsel

cc: Adam Dayan, Esq. (via ECF)